



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed September 24, 2021

Mark X. Mullin
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	
	§	CASE NO. 18-42650-13
KEVIN RICHARD KUSS	§	
JENNIFER LEANN KUSS	§	CHAPTER 13
Debtor(s)	§	

AGREED ORDER GRANTING MOTION TO SELL PROPERTY

CAME ON for consideration Debtor's Motion to Sell. The Court is of the opinion that the Motion should be GRANTED based on the Parties' stipulations or agreements resolving all disputed issues which have been incorporated into the terms of this order.

IT IS THEREFORE ORDERED that Debtor's Motion to Sell is GRANTED subject to the conditions of this Order.

IT IS FURTHER ORDERED that, subject to the conditions of this Order, the Debtor may sell the property commonly known as:

210 N. Washington Street, Cleburne, TX 76031.

IT IS FURTHER ORDERED that the claim of U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 BKM-TT ("U.S. Bank"), evidenced by Proof of Claim No. 9 on file herein, be paid in full from the proceeds of the sale pursuant to a payoff quote provided by U.S. Bank or its servicer, Rushmore Loan Management Services, or U.S. Bank agrees otherwise in writing.

IT IS FURTHER ORDERED that a portion of the net proceeds in excess of \$47,350.00 from the sale of the property, after payment of all liens and encumbrances secured by the property, shall be paid directly to the Chapter 13 Trustee upon closing and shall be delivered to:

PAM BASSEL STANDING CHAPTER 13 TRUSTEE

P.O. BOX 1201

MEMPHIS, TN 38101-1201.

IT IS FURTHER ORDERED that upon receipt by the Trustee, the net sale proceeds may be disbursed to pay allowed general unsecured claims pro rata up to 100% reduced by the payment of any allowed priority claims and administrative expenses, after payment of the Trustee's fee without the necessity of filing a separate Modification of Chapter 13 Plan after Confirmation. There will be no changes to plan term or plan payments.

IT IS FURTHER ORDERED that if there are sufficient net proceeds to pay 100% of allowed unsecured claims, administrative expenses, and Trustee's fees, the excess net proceeds shall be refunded to the Debtor.

IT IS FURTHER ORDERED that the Debtor shall provide the Chapter 13 Trustee with the final closing documents, including a final settlement statement, from the sale of the property within five business days of the sale's closing.

IT IS FURTHER ORDERED that the claims secured by the property shall be "paid direct" by the Debtor at closing and the Trustee may cease disbursements of ongoing mortgage payments and arrears.

IT IS FURTHER ORDERED that the title company is authorized to pay off at closing from the proceeds of the sale any perfected lien on the property and all closing costs.

IT IS FURTHER ORDERED that each lienholder is not required to release its lien on the subject real property until it has been paid the entire amount owed to it.

IT IS FURTHER ORDERED that Debtors shall pay all property taxes through the date of closing to all taxing entities with a lien retained on the 2021 tax year;

IT IS FURTHER ORDERED that in the event of dismissal, the Chapter 13 Trustee retains all rights under applicable law to pursue any non-exempt funds that remain unpaid.

IT IS FURTHER ORDERED that in the event this case is converted to a chapter 7 case, the Chapter 7 Trustee shall retain all rights under applicable law to pursue any non-exempt funds that remain unpaid.

IT IS FURTHER ORDERED that Allmand Law Firm is awarded attorney fees in the amount of \$450.00 paid direct by Debtors.

###END OF ORDER###

AGREED AS TO FORM AND SUBSTANCE:

AGREED:

/s/ Erika K. Singler

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/s/ Eboney Cobb

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